

REMARKS

Applicants acknowledge the indication of the allowability of the subject matter of Claims 27, 30, 32, 33, 41, 42 and 44 as set forth in item 7 on page 7 of the Office Action. In particular, the latter claims would be allowable if rewritten in independent form. However, for the reasons set forth hereinafter, Applicants respectfully submit that all of the latter claims are now allowable in their present dependent form. Moreover, Applicants further note that Claim 43 depends on Claim 42, which is indicated to be directed to allowable subject matter. Thus, it is Applicants' belief that Claim 43 should have been included in this group of claims which are directed to allowable subject matter. Claims 46-48 have been cancelled as being drawn to a non-elected invention without prejudice to Applicants' right to resubmit those claims in the form of a divisional application should they choose to do so.

Claims 25, 26-39, 43 and 45 have been rejected under 35 U.S.C. §103(a) as unpatentable over Haartsen (U.S. Patent No. 5,794,157) in view of Kegasa et al (U.S. Patent No. 6,724,804). In addition, Claims 26, 28, 29, 31, and 40 have been rejected as unpatentable over the same two references, and further in view of Klein et al (Published U.S. Patent Application No. 2007/0004444). Finally, Claims 34 and 35 have been rejected as unpatentable over Haartsen and Kegasa et al, and further in view of Tanno et al (U.S. Patent No. 7,315,566). However,

for the reason set forth hereinafter, Applicants respectfully submit that all claims which remain of record in this application, including new Claim 14, distinguish over the cited references, whether considered separately or in combination.

In particular, Applicants note that certain features of the claimed invention, as noted hereinbelow, are not found in either of the cited references, and that in all events, the combination of Haartsen and Kegasa et al would not replicate the present invention, because the features which are missing in Haartsen are not taught or suggested in Kegasa et al.

First, Applicants respectfully submit that the Haartsen patent does not teach or suggest a system in which a receiver which is trying to receive a transmission at a particular frequency “within a beacon managed band” transmits a beacon in a “beacon transmission band” with the beacon being representative of the frequency with which the receiver is trying to receive, and in which the beacon transmission band is separated from the beacon managed band by using a different frequency.

Rather, in Haartsen, a private radio system which is situated within a cell of a cellular communications system monitors broadcast information transmitted on a control channel of the surrounding cell (S). (See Abstract.) In particular, the control signal in question is a signal that is transmitted by the network cell

station 10 within a wide area cellular network 18, in order to control communications within the cell range 12, and among adjacent cells. In particular, it includes “a list of frequencies that the mobile station, such as terminal 26, is assumed to monitor in idle and connection modes”. As the specification also notes, “in this way, the private radio system 24 can obtain a complete list of all control channel frequencies that are used in the cellular area neighboring the private radio system, *e.g.*, a control channel list 40 as shown in FIGS. 3 and 4”.

It is apparent from the foregoing brief description that the “control channel” which is received and monitored by the private radio system in Haartsen does not constitute a “beacon” having the properties recited in Claim 25. That is, the control channel is not a signal which is “representative of a frequency within a beacon managed band at which the receiver is trying to receive”. In fact, the Haartsen patent contains no discussion of a beacon managed band, or its relationship to a beacon transmission band, and accordingly does not teach or suggest that the beacon transmission band is separated from the beacon managed band by using a different frequency, as also recited in Claim 25.

The Kegasa et al patent application, on the other hand, discloses a broadcasting beacon which is used as a frequency reference to avoid the costs

associated with incorporating high accuracy components which are necessary for operation at millimetric frequencies, and to all of the outstations. The beacon referred to in Kegasa et al is part of a single system, not a beacon in one system being used to prevent interference from a transmitter in another system. Accordingly, any combination of the teaching of Kegasa et al with Haartsen would not replicate the present invention. In particular, nothing in Kegasa et al teaches or suggests a step of transmitting a beacon in a beacon transmission band such as defined in Claim 25, or the use of a beacon such as is described in Kegasa et al for the purpose of preventing cross talk interference as between competing communications systems.

In this regard, Applicants note that the disclosure in Kegasa et al at Column 18, lines 23-31 does not teach or suggest the provision of such a beacon, as is defined in Claim 25, and such as is missing in the Haartsen patent for the reasons discussed above, for the purpose of preventing cross talk interference between the two communications systems. Rather, the disclosure in Kegasa et al at Column 18, lines 23-31 simply describes a system in which a beacon signal is separated from a transmission modulation wave group, in a different system, and for a different purpose. Accordingly, the combination of Kegasa et al with Haartsen would not yield the method of Claim 25, which includes the transmission of a beacon "in a beacon transmission band", which beacon is

“representative of a frequency within a beacon managed band at which the receiver is trying to receive”.

The Klein et al patent, on the other hand, has been cited in respect of Claims 26, 28, 29, 31 and 40 as disclosing a “plurality of beacons which are received representing the same frequency, with the derived transmit power spectral density limit being related to that of the beacon received at the highest power”. Finally, the Tanno reference has been cited only in reference to Claims 34 and 35 as teaching a CDMA protocol whereby beacons representing different frequencies are distinguished from one another by different codes. Accordingly, Applicants respectfully submit that neither of the latter two references teaches or suggests those features of the invention which are missing in both Haartsen and Kegasa et al.


In light of the foregoing remarks, this application should be in consideration for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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Respectfully submitted,



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